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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,041	04/18/2001	Terrence Ross O'Brien	ROC920000304US1	9205

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EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,041

Applicant(s)

O'BRIEN ET AL.

Examiner

Mark Fadok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 8-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 1/13/2005, which was received 4/4/2005. Acknowledgement is made to the amendment to claim 1, the cancellation of claim 2, the election of claims 1-4 and 8-12 and the addition of claims 13-17, leaving claims 1,3,4,8-17 as pending in the instant claims. The examiner has considered the applicant's amendment and remarks and finds them to be convincing in regards to the drawing rejection, therefore this rejection has been obviated. However, in regards to the rejection on the merits the rejection stands and the previous office action is restated below:

Election/Restrictions

Newly submitted claims 13-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly submitted claims are clearly divergent for at least the reason that they deal with a plurality of applications wherein the previous invention is claimed with at least one application.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 13-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-4, and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Meltzer et al (6,125,391).

In regards to claim 1, Meltzer discloses a system for handling eCommerce requests, comprising: (a) at least one application configured to process a request in a transformed format (Fig 4),

wherein the request is received from one of a plurality of requesting entities in an original format and mapped to the transformed format (Fig 9);

(b) at least one specification document configured to produce metadata defining a relationship between data of the request in the original format and data of the request in the transformed format (Fig 9), wherein the metadata comprises a plurality of metadata instances each configured to support a different request protocol (col 32, lines 12-55); and

(c) a flow manager configured to utilize the metadata to map the request in the original format to the request in the transformed format and to call the at least one application (Fig 13).

In regards to claim 3, Meltzer teaches wherein the data of the request in the original format comprises fields and wherein the metadata maps the fields to input fields of the at least one application (Fig 4).

In regards to claim 4, Meltzer teaches wherein the request is a purchase order and the data comprises fields of the purchase order (Fig 10).

In regards to claim 8, Meltzer teaches wherein the original format comprises cXML, mXML, XCBL, OCI, ebXML (col 84, lines 15-35).

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In regards to claim 9, Meltzer teaches wherein the at least one specification document comprises at least one of:

message formatting rules comprising definitional data and configured to define an association between the definitional data and the data of the request in the original format (Fig 15);

an access method configured to define an interface to the at least one application; and

a process flow model configured to associate the message formatting rules and the access method instance and comprising mapping rules configured to map input fields of the request in the original format to input fields of the at least one application.

In regards to claim 10, Meltzer teaches wherein the association is between a first plurality of fields of the definitional data and a second plurality of fields of the data of the request in the original format (Fig 15).

In regards to claim 11, Meltzer teaches wherein each access method is configured to support applications of a particular application type (see response to claim 9).

In regards to claim 12, Meltzer teaches wherein the particular application type comprises at least one of program calls, JAVA programs, and queue applications (see response to claim 9).

Response to Arguments

Applicant's arguments filed 4/4/2005 have been fully considered but they are not persuasive.

Applicant argues that Meltzer does not teach "at least one specification document configured to produce metadata defining a relationship between data of the request in the original format and data of the request in the transformed format". The examiner disagrees and further directs the applicant's attention to FIG 15 item 1506, which saves the relationship between the host and source through a mapping process.

Applicant argues that the cited parts of the Meltzer reference are not arranged as required by the claims. Please note that in regards to *In re Bond*, that the elements must be arranged as required by the claim, is not an *ipsissimis verbis* test (MPEP 2131). However, in regards to the system claim and the different cited locations, these cited locations are all part of the system capabilities of the of Meltzer and are therefore integrated, furthermore, the examiner is unable to recognize the arrangement the applicant finds distinguishable from Meltzer. Finally, "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim

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is known in the prior art." Brown v. 3M, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner